

1 KEKER & VAN NEST, LLP  
JOHN W. KEKER - #49092  
2 DARALYN J. DURIE - #169825  
CHRISTINE P. SUN - #218701  
3 RAVIND S. GREWAL - #220543  
710 Sansome Street  
4 San Francisco, CA 94111-1704  
Telephone: (415) 391-5400  
5 Facsimile: (415) 397-7188

6 Attorneys for Defendant and Counterclaimant  
GOOGLE INC.  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 OVERTURE SERVICES, INC.,  
13 Plaintiff and Counterdefendant,  
14 v.  
15 GOOGLE INC.,  
16 Defendant and Counterclaimant.  
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Case No. C 02-01991 JSW (EDL)

**REQUEST TO FILE DOCUMENT  
UNDER SEAL; [PROPOSED] ORDER**

Date: August 24, 2004  
Time: 9:00 a.m.  
Courtroom: E, 15th Floor  
Judge: Hon. Elizabeth D. Laporte

1 Google Inc. ("Google") hereby submits this Request to File Documents Under Seal in  
2 connection with its Reply in Support of Its Motion to Compel Production of Documents and  
3 Testimony Re Prosecution of the '361 Patent ("Reply"). Google requests that the Court allow  
4 Google to file under seal the Declaration of Christine P. Sun in Support of Google's Reply ("Sun  
5 Reply Declaration).

6 **The Declaration of Christien P. Sun and Exhibit thereto**

7 The exhibits to the Sun Reply Declaration contain material that has been designated as  
8 confidential by Plaintiff Overture Services, Inc. ("Overture"). Under the terms of the protective  
9 order entered in this case on December 16, 2002, Google cannot file this material publicly. *See*  
10 Protective Order ¶ 6.

11 In light of the foregoing, Google respectfully submits that this Request to File Documents  
12 Under Seal is narrowly tailored within the meaning of Civil Local Rule 79-5. Google therefore  
13 requests that the Court permit the sealing of the documents set forth above, and order that the  
14 Clerk of the Court maintain them in accordance with the provisions of Local Civil Rule 79-5(e).

15 RESPECTFULLY SUBMITTED,

16 Dated: July 30, 2004

KEKER & VAN NEST, LLP

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19 By: /s/ Ravind S. Grewal  
20 RAVIND S. GREWAL  
21 Attorneys for Defendant and  
22 Counterclaimant GOOGLE INC.  
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**[PROPOSED] ORDER**

Pursuant to Civil Local Rules 7-10 and 79-5, Google has applied to this Court for an order permitting it to file under seal the Declaration of Christine P. Sun in connection with its Reply in Support of Its Motion to Compel Production and Testimony Re Prosecution of the '361 Patent.

GOOD CAUSE APPEARING, Google's request is granted. The Clerk is directed to maintain the following document, submitted by Google on or about July 30, 2004, in accordance with the provisions of Civil Local Rule 79-5(e):

(1) The Declaration of Christine P. Sun in Support of Google's Reply.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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HON. ELIZABETH D. LAPORTE  
United States Magistrate Judge